NEWFOUNDLAND AND LABRADOR

REPORT ON MOBILITY

February 2000

Introduction

The Social Union Framework Agreement, signed on February 4, 1999 by all First Ministers except the Premier of Quebec, commits governments to eliminate, within three years, any residency-based policies or practices which constrain access to post-secondary education, training, health and social services and social assistance unless they can be demonstrated to be reasonable and consistent with the principles of the Social Union Framework. The Agreement also commits sector Ministers to submit annual reports to the Ministerial Council identifying residency-based barriers to access and providing action plans to eliminate them.

Federal/Provincial/Territorial Ministerial Council on Social Policy Renewal agreed that the first report, due in February 2000, would focus primarily on process and progress to date, as jurisdictions are in the process of reviewing their social policies and programs for residency-based barriers. Ministers also agreed to report on jurisdictional discussions of "reasonableness" as it relates to residency-based policies and practices.

Implementation of the Mobility Provisions of the Agreement

The Government of Newfoundland and Labrador has initiated internal processes intended to facilitate implementation of the Agreement, including its mobility provisions.

- Newfoundland and Labrador's representative on the Ministerial Council on Social Policy Renewal and Chair of the Social Policy Committee of Cabinet, provides leadership on all matters related to Agreement implementation. At the Cabinet Committee and Cabinet tables she provides advice and direction on social policy matters which have implications for the implementation of the Social Union Framework Agreement. In this capacity, she advises Government on new policies, programs and services being considered which have the potential to create barriers to mobility.

- The Minister, in her role as Government's representative on Ministerial Council, actively encourages colleagues in the social policy sectors to review and assess Department policies and practices to ensure they conform to the letter and spirit of the Agreement.

- The Province is working closely with the federal government to ensure that federal/provincial agreements and programs are consistent with the Social Union Framework Agreement, particularly its mobility provisions.

- Cabinet has established an Internal Committee of officials from all social policy departments, as well as Cabinet Secretariat, Women's Policy Office, Labrador and Aboriginal Affairs Secretariat and Intergovernmental Affairs Secretariat, which provides advice on all matters related to the Agreement. The Internal Committee also provides

feedback to departments related to the implementation of the Agreement.

- Social policy departments of Government, in conjunction with the Intergovernmental Affairs Secretariat, have collaborated to develop a template to enable government departments to evaluate their policies and practices on post-secondary education, training, health and social services and social assistance through a "mobility lense". The template ensures a measure of consistency among departments in the assessment of their policies, programs and services.

The Issue of "Reasonable" Residency-based Policies and Practices

Governments' Social Union Framework Agreement commitments with respect to the elimination of residency-based policies or practices which constrain access to post-secondary education, training, health and social services and social assistance are not absolute. Governments are not required to eliminate barriers which can be demonstrated to be reasonable and consistent with the Social Union Framework." The Agreement, however, does not define "reasonableness".

Government has begun the process of placing parameters around the term "reasonable" as it applies to the Agreement. First of all, it must be recognized that "reasonable" is a relative, not an absolute term, and one which must be defined, in part, by the social and fiscal policy context of the policy or practice. Since the social and fiscal policy context differs across jurisdictions, with different jurisdictions having differing social and fiscal policy priorities and pressures, the definition of "reasonableness" will likely exhibit variations among provincial and territorial governments and the federal government.

In light of the foregoing, a residency-based policy or practice would seem to be reasonable within the context of the Social Union Framework Agreement if its intent is to achieve an important social and fiscal policy objective. Such objectives support jurisdictions' constitutional mandate to respond appropriately to the social and economic needs of their citizens.

Conclusion

The Government of Newfoundland and Labrador has taken seriously its responsibility to move forward on the implementation of the Social Union Framework Agreement. While this report focuses primarily on the implementation of the mobility provisions of the Agreement in our Province, Government has begun moving forward more broadly on initiatives which support implementation of the Agreement. As an example, through the Province's Strategic Social Plan process Government is developing indicators too measure outcomes of its social policies and involving its citizens in developing social priorities. The Province is also working closely with other provinces and territories and the federal government on matters of an intergovernmental nature related to the implementation of the Agreement.